IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SECOND DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

-

WRIT PETITION NO : 1413 of 2005

Between:

Sri Kalyan Food Products, D.No. 2-4-152, H.W. Street, Khamma,
Andhra Pradesh, Rep. by its Managing Partner, Sri P.M.G. Kalyana Chakravarthy.

..... PETITIONER

AND

1 Government of Andhra Pradesh, Rep. by its Principal Secretary,
Industries and Commerce (C & EP) Department, Secretariat, Hyderabad.
2 The Commissioner Industries Department, Government of Andhra Pradesh,

Chirag Ali Lane, Abids, Hyderabad.
3 The District Industries Centre, Khammam, Andhra Pradesh, Rep. by its

General Manager.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, or direction, or Writ, one in the nature of Mandamus, or any other appropriate Writ or direction-declaring the inaction of the Respondents herein in not granting the eligibility certificate in favour of the Petitioner firm, in pursuance of the application made by the petitioner dated 13-8-2004, as illegal, arbitrary and colourable exercise of the power and declared as such and consequently, direct the Respondents to issue eligibility certificate in favour of the petitioner in pursuance of the G.O.Ms.No.55 dated 5-3-2004 and G.O.Ms.No.333 dated 14-11-2004 and also in pursuance of the application dated 13-8-2004 made by the petitioner firm.

Counsel for the Petitioner: MR.G.DHANANJAI

Counsel for the Respondents: GP FOR INDUSTRIES & COMMERCE

The Court made the following:

ORDER:

The petitioner, who claims to have been carrying on the business of food processing, filed this writ petition aggrieved by the alleged inaction on the part of the respondents in granting eligibility certificate in terms of G.O.Ms.No.55 dated 05.03.2004 and G.O.Ms.No.333 dated 14.11.2004 in pursuance of his application dated 13.08.2004.

The case of the petitioner is that under the said Government Orders he is entitled to certain exemptions in payment of power tariff and other incentives and on account of the inaction on the part of the respondents to consider his application, he is deprived of all the said benefits. It is also the specific case of the petitioner that on the basis of the application made by him, the Commissioner of Industries called for a report from the third respondent, the District Industries Centre, Khammam, and that the third respondent has already submitted a report on 12.08.2004 recommending the case of the petitioner, however, the second respondent failed to pass any orders so far. Hence, this writ petition.

Having heard the learned counsel for the petitioner and the learned Government Pleader for Industries and Commerce appearing for the respondents 1 and 2, the writ petition is disposed of with a direction to the second respondent to consider the application made by the petitioner dated 13.08.2004 in the light of the report submitted by the third respondent dated 12.08.2004 and keeping in view the instructions issued by the first respondent in Memo dated 23.12.2004 and to pass appropriate orders in accordance with law as expeditiously as possible, preferably within a period of three weeks from the date of receipt of this order. No costs.

02.02.2005

Note: Furnish CC by 07.02.2005

(b/o)

VGB

To

1 The Principal Secretary, Government of Andhra Pradesh,
Industries and Commerce (C & EP) Department, Secretariat, Hyderabad.
2 The Commissioner Industries Department, Government of Andhra Pradesh,

Chirag Ali Lane, Abids, Hyderabad.
3 The District Industries Centre, Khammam, Andhra Pradesh, Rep. by its

General Manager.

4 2CCs to the G.P. for Industries and Commerce, High Court Buildings,

Hyderabad. (OUT)

5 2CD copies